

ENROLLED ORDINANCE 161-64

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
ORDINANCE DISTRICT ZONING MAP OF THE CITY OF PEWAUKEE BY
CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE
N ½ OF THE NW ¼ OF SECTION 26, T7N, R19E, CITY OF PEWAUKEE,
WAUKESHA COUNTY, WISCONSIN, FROM THE A-2 RURAL HOME
AND C-1 CONSERVANCY DISTRICTS TO THE R-3 RESIDENTIAL
AND C-1 CONSERVANCY DISTRICTS (SVZ-1618)

WHEREAS the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission after Public Hearing and the giving of requisite notice of said hearing and a recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin, as required by Section 59.692 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA DOES ORDAIN that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970, for the Town of Pewaukee, Waukesha County, is hereby amended to conditionally rezone certain lands located in part of the N ½ of the NW ¼ of Section 26, T7N, R19E, City of Pewaukee, Waukesha County, Wisconsin, from the A-2 Rural Home and C-1 Conservancy Districts to the R-3 Residential and C-1 Conservancy Districts, and more specifically described in the “Staff Report and Recommendation” and map on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference (SVZ-1618), subject to the following conditions:

1. The Wisconsin Department of Natural Resources must complete a navigability determination of the ditch, where the proposed floodplain fill activities are proposed, at the Developer’s request. If the ditch is determined navigable, all necessary approvals to fill the ditch must be granted from the Wisconsin Department of Natural Resources, prior to this rezoning being effective and prior to any grading activities taking place. If approvals are not granted, the development must occur outside of the current floodplain areas and all other applicable County and City Ordinance requirements must be complied with.
2. The Surveyor must field locate the existing 100-yr. floodplain boundary and clearly identify said boundary and the boundary of the compensation area on a scaled drawing so the areas to be rezoned are accurately recorded in the Waukesha County Department of Parks and Land Use office, which shall be noted on the Final Plat of the development.
3. The WDNR Floodplain Engineer or SEWRPC shall review and advise what impact the project has on the 100-year floodplain and determine if the flood capacity will be reduced and/or if the regional flood height will increase. This information shall be submitted to the Department prior to the rezoning becoming effective. There shall be no increase allowed in flood staging, and appropriate compensatory storage for any floodplain loss shall be required prior to the rezoning becoming effective.
4. A Letter of Map Amendment Floodplain (LOMA-F) must be submitted to FEMA for review and approval, prior to the construction of any structures located within the existing FEMA floodplain, which is proposed to be filled.
5. Written documentation of the Wisconsin Department of Natural Resources approval of the wetland location shall be submitted to the Planning and Zoning Division Staff, prior

- to the rezoning being effective.
6. The floodplain fill cannot be placed in a wetland, cannot impede drainage, nor can the fill exceed a slope ratio of 3:1.
 7. The Developer shall secure all other required permits prior to the rezoning becoming effective (WDNR Water Regulation and Zoning, Army Corps of Engineers, City of Pewaukee, etc.).
 8. Stormwater management shall conform, to a minimum, with the Waukesha County Stormwater Management and Erosion Control Ordinance facilities as regulated by the City of Pewaukee.
 9. The County Storm Water Ordinance requires a 1 ft. separation distance from the basement floor to the anticipated seasonal high groundwater table. The City must ensure this provision is complied with as well as the grading provisions of the Waukesha County Shoreland and Floodland Protection Ordinance. The natural topography shall be preserved to the greatest extent possible, adverse drainage shall not be caused on adjacent properties and the grading activities shall not result in aesthetically unpleasing conditions, as reviewed and enforced by the City of Pewaukee.
 10. The Developer must contact the Parks Division of the Waukesha County Department of Parks and Land Use to determine the interests and ownership of lands adjacent to the Pewaukee River, as the Recommended Park and Open Space Element of the Waukesha County Development Plan designates lands within the subject plat as Proposed County Ownership. This issue must be resolved between the Developer and the Parks Division prior to the rezoning being effective and prior to any future Plat approvals.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with the City of Pewaukee Clerk.

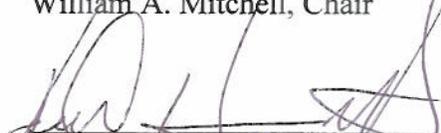
BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of provisions of this Ordinance are hereby repealed.

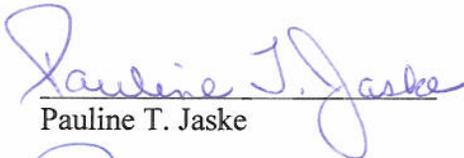
AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION
ORDINANCE DISTRICT ZONING MAP OF THE CITY OF PEWAUKEE BY
CONDITIONALLY REZONING CERTAIN LANDS LOCATED IN PART OF THE
N ½ OF THE NW ¼ OF SECTION 26, T7N, R19E, CITY OF PEWAUKEE,
WAUKESHA COUNTY, WISCONSIN, FROM THE A-2 RURAL HOME
AND C-1 CONSERVANCY DISTRICTS TO THE R-3 RESIDENTIAL
AND C-1 CONSERVANCY DISTRICTS (SVZ-1618)

Presented by:
Land Use, Parks, and Environment Committee


William A. Mitchell, Chair


Keith Hammitt


Keith Harenda

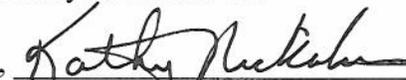

Pauline T. Jaske


Walter L. Kolb


Vera Stroud

Absent
Peter M. Wolff

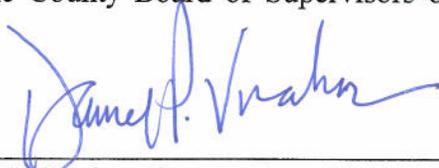
The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: December 15, 2006, 
Kathy Nickolaus, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

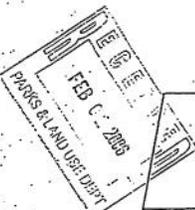
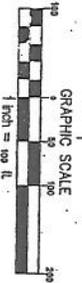
Approved: X

Vetoed: _____

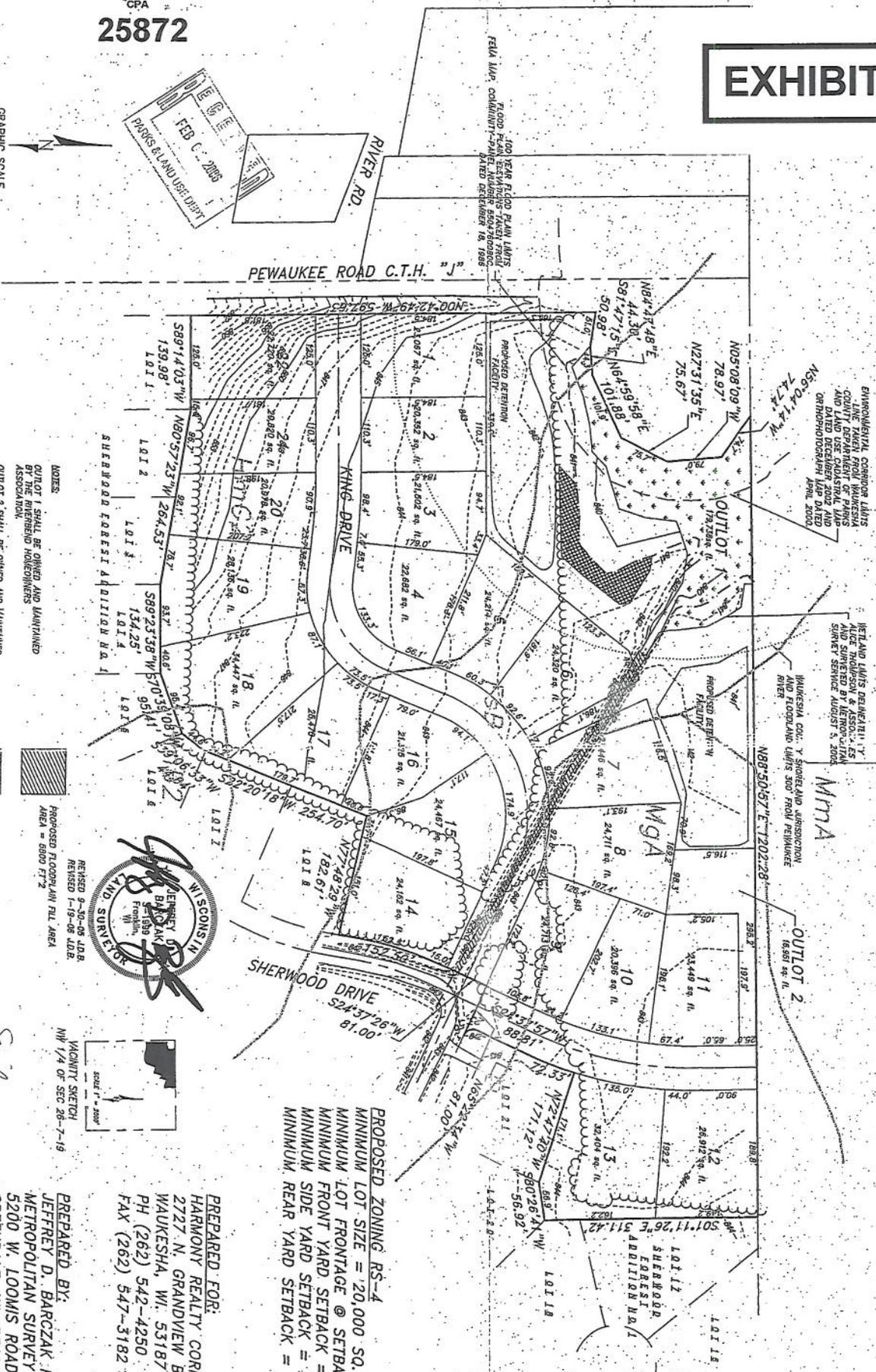
Date: 12-18-06, 
Daniel P. Vrakas, County Executive

25872

EXHIBIT "A"

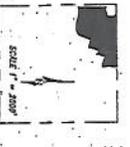


PRELIMINARY PLAN
FOR
"RIVERBENT"
BEING A PART OF THE NE 1/4 AND NW 1/4 OF THE NW 1/4 OF SECTION 26,
TOWNSHIP 7 NORTH, RANGE 19, EAST, IN THE CITY OF PEWAUKEE,
WAUKESHA COUNTY, WISCONSIN.



- NOTES:
- OUTLOT 1 SHALL BE OWNED AND MAINTAINED BY THE CITY OF PEWAUKEE.
 - OUTLOT 2 SHALL BE OWNED AND MAINTAINED BY THE CITY OF PEWAUKEE.
 - NO ACCESS TO C.T.H. "V" FROM LOTS 1 AND 22 AND OUTLOT 1.
 - EXISTING SOILS: hnc2a, hmb2, hmb4, f3b

- PROPOSED FLOODPLAIN COLLECTORY STORAGE AREA = 7732 FT²
- PROPOSED FILL AREA = 6900 FT²



PROPOSED ZONING: RS-4
 MINIMUM LOT SIZE = 20,000 SQ. FT.
 MINIMUM LOT FRONTAGE @ SETBACK = 110'
 MINIMUM FRONT YARD SETBACK = 40 FEET
 MINIMUM SIDE YARD SETBACK = 20 FEET
 MINIMUM REAR YARD SETBACK = 35 FEET

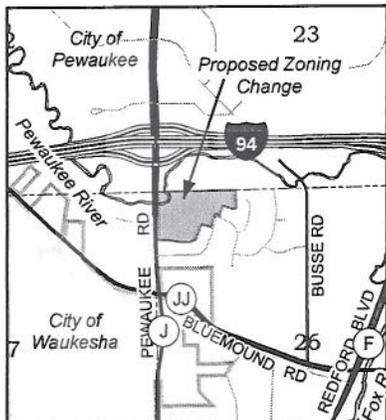
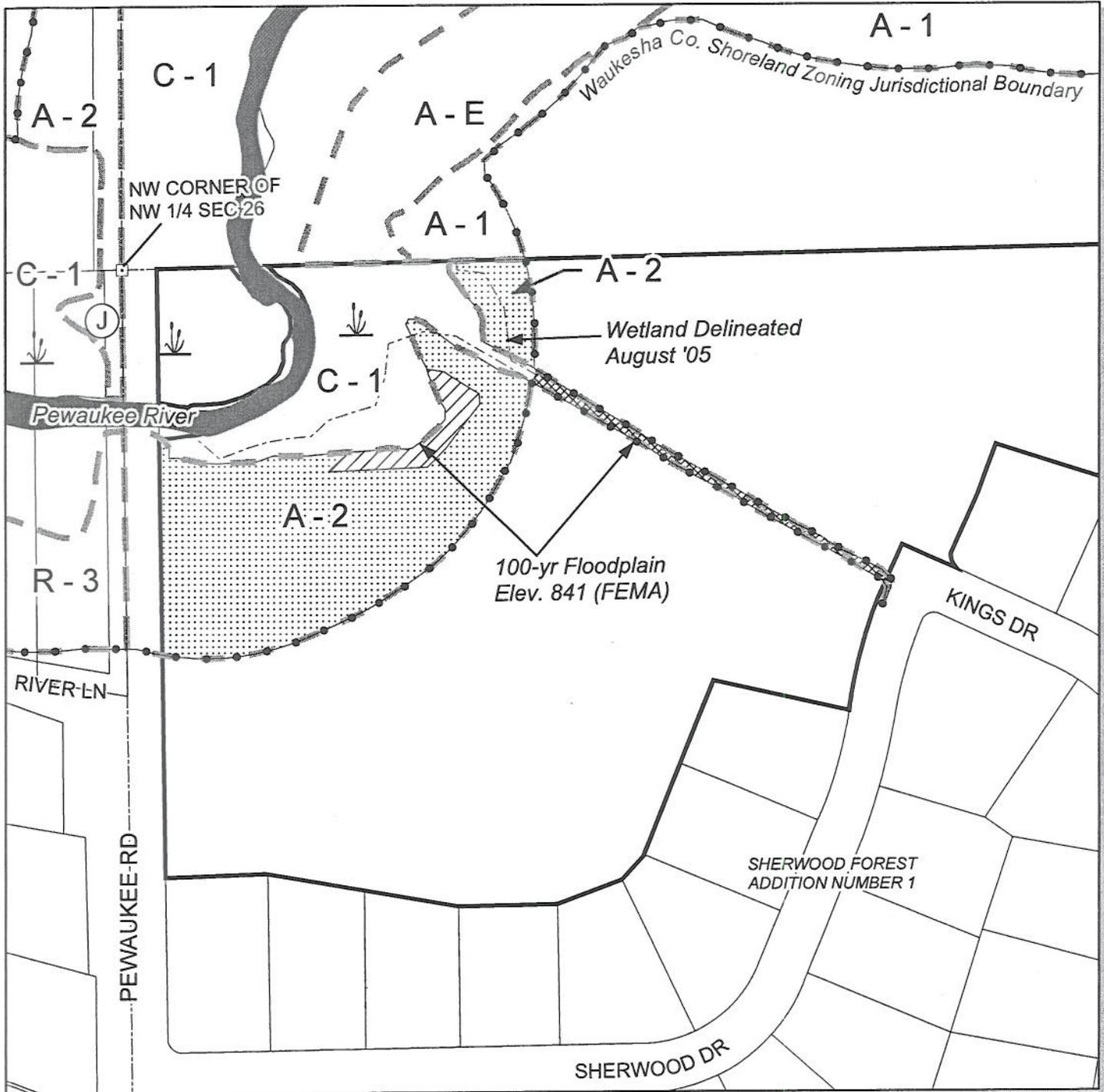
PREPARED FOR:
 HARMONY REALTY CORP.
 2727 N. GRANDVIEW BLVD., SUITE 100
 WAUKESHA, WI. 53187
 PH (262) 542-4250
 FAX (262) 547-3182

PREPARED BY:
 JEFFREY D. BARCZAK, P.E., RLS
 METROPOLITAN SURVEY SERVICE
 GREENDALE, WI. 53129
 PH (414) 529-5380
 FAX (414) 529-9787
 emdl survey@bizwi.irr.com

161-0-071

ZONING MAP AMENDMENT

PART OF THE NW 1/4 OF SECTION 26
CITY OF PEWAUKEE



-  CONDITIONAL SHORELAND ZONING CHANGE FROM C-1 CONSERVANCY TO R-3 RESIDENTIAL (0.15 ACRES)
-  CONDITIONAL SHORELAND ZONING CHANGE FROM A-2 RURAL HOME TO R-3 RESIDENTIAL (2.7 ACRES)
-  CONDITIONAL SHORELAND ZONING CHANGE FROM A-2 RURAL HOME TO C-1 CONSERVANCY (0.18 ACRES)

FILE.....SVZ-1618

DATE.....11-02-06

AREA OF CHANGE.....3.03 ACRES

TAX KEY NUMBER.....PWT 0966.999

Prepared by the Waukesha County Department of Parks and Land Use



1 inch equals 200 feet
0 25 50 100 150 200 Feet

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-12/12/06

(ORD) NUMBER-1610071

- | | |
|-------------------------|--------------------------|
| 1 K. HERRO..... | 2 R. THELEN.....AYE |
| 3 T. ROLFS.....AYE | 4 R. HUTTON.....AYE |
| 5 J. MARCHESE.....AYE | 6 D. BROESCH.....AYE |
| 7 J. JESKEWITZ.....AYE | 8 J. DWYER.....AYE |
| 9 P. HAUKOHL.....AYE | 10 S. WOLFF.....AYE |
| 11 K. HARENDA.....AYE | 12 T. SCHELLINGER....AYE |
| 13 J. MORRIS..... | 14 S. WIMMER.....AYE |
| 15 D. SWAN.....AYE | 16 R. STEVENS.....AYE |
| 17 J. BEHREND.....AYE | 18 B. MORRIS.....AYE |
| 19 W. MITCHELL.....AYE | 20 P. WOLFF.....AYE |
| 21 W. KOLB.....AYE | 22 G. BRUCE.....AYE |
| 23 J. TORTOMASI.....AYE | 24 B. KRAMER..... |
| 25 K. CUMMINGS.....AYE | 26 F. RUF.....AYE |
| 27 D. PAULSON.....AYE | 28 P. JASKE.....AYE |
| 29 T. BULLERMANN..... | 30 K. NILSON.....AYE |
| 31 V. STROUD.....AYE | 32 P. GUNDRUM..... |
| 33 K. HAMMITT..... | 34 R. SINGERT.....AYE |
| 35 P. MEYER.....AYE | |

TOTAL AYES-29

TOTAL NAYS-00

CARRIED _____

DEFEATED _____

UNANIMOUS X

TOTAL VOTES-29